APPENDIX I. [28th March 1958.

[Vide answer to starred question No. 413 asked by Sri N. K. Palanisami at the meeting of the Legislative Assembly held on 28th March 1958, page 97 supra.]

*Report on the Police Firing at Valparai on 26th January* 1957.

In G.O. No. 257, Public (General-A), dated 29th January 1957, I have been appointed to make a public enquiry into the circumstances which led to the opening of fire by the Armed Reserve Police at Valparai on 26th January 1957. The Government have, for that purpose, invested me with all the powers conferred by sections 4, 5 and 8 of the Commissions of Enquiry Act, 1952 (Central Act LX of 1952). Arrangements were immediately made to announce by beat of tom-tom in all estates on the Anamalais in Pollachi taluk that I would commence the public enquiry at Valparai on 31st January 1957 and that all persons wishing to give evidence might appear before me. Notices to this effect were also published in the local Tamil newspapers, the "Nava India", the "Samudayam" and the "Pollachivasi".

2. I left for Coimbatore en route to Valparai on the evening of 29th January 1957. On arrival at Coimbatore on the morning of the 30th January, I was informed that certain persons who had been injured as a result of the firing had been brought to the Headquarters hospital there and were underging treatment as in-patients. With the permission of the Superintendent of the hospital, I saw the injured persons and recorded their evidence between 9-30 a.m. and about 12-30 p.m. I proceeded to Valparai in the afternoon, arriving there at about 5-15 p.m. and immediately inspected the Gandhi Maidan where the incident took place and its surroundings. I commenced the public enquiry at 9 a.m. on 31st January 1957 and examined the witnesses more or less in the order of their appearance before me with minor adjustments to suit the convenience of particular witnesses. The official witnesses were taken up at the end on 2nd and 3rd February 1957. For purposes of this report, however, I have grouped the witnesses into six categories irrespective of the dates on which they were examined, viz.—

I. Official witnesses.

II. Other witnesses not connected with the Anamalais Plantion Workers' (Communists) Union speaking directly to the incidents of 26th January 1957.

III. Persons with bullet wounds examined at the Headquarters hospital, Coimbatore.

IV. Office bearers and members of the Anamalais Plantation Workers' (Communists) Union.

V. Labourers not belonging to that Union.

VI. Witnesses speaking to facts not directly connected with the incidents of 26th January 1957, but which provide a general background to those incidents.

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A photographer who took certain photographs at my instance has been placed in Group I. In all 120 witnesses were examined. A list of witnesses as grouped by me is attached and they are referred to throughout this report by the number shown in column 1 * of the list.

3. A little after noon on 31st January 1957, Mrs. Parvathi Krishnan, M.P., Vice-President of the Anamalais Plantation Workers' Union, and certain ohters came to me and represented—

(i) that the President of the Union, Sri C. Mathuram and certain other witnesses arrested by the Police should be produced before me and their evidence recorded in the open enquiry;

(ii) that the Police Officers responsible for the firing must be immediately transferred out of Valparai if evidence is to be given "freely and fearlessly"; and

(iii) that I should visit the estates along with the President of the Union to meet the workers and record their evidence on the spot.

I informed her that as regards the first request, it was in any case my intention to hear all that any arrested persons had to say and that I had no objection to examining them in the open enquiry. She gave me the names of certain arrested persons including Sri C. Mathuram, the President of the Union and Sri Abraham Lincoln (whose arrest led to the developments which culminated in the firing) and they were all examined in the open enquiry. I told her that I was not prepared to make any recommendation on point (ii) at that stage of the enquiry. As regards (iii) I informed her that already some 60 labourers mostly belonging to the Anamalais Plantation Workers' Union had appeared before me to give evidence and that it was, therefore, unnecessary for me to visit the Estates. I, however, permitted her to nominate persons to represent the Union during my enquiry and to make suggestions about points to be elicited from the witnesses either in cross-examination or otherwise. Mrs. Parvathi Krishnan accordingly deputed her husband Sri N. K. Krishnan and Sri P. V. Giri to represent the Union and many points were elicited from the witnesses at their suggestion during the enquiry. Similarly the District Superintendent of Police and the representatives of one or two cther Unions were permitted to make suggestions for eliciting information from certain witnesses.

4. Sri A. Ramanathan, General Secretary of the Anamalais Plantation Workers' Union, had also written a letter to me that he wished to give evidence before me and that for this purpose a warrant for his arrest that was said to have been issued should be withdrawn and that the President of the Union and certain others who had been arrested should also be released to enable them to give evidence. I informed Mrs. Parvathi Krishnan, Vice-President of the Union, that I would not interfere with the execution of any warrant that had been issued, but that if Sri Ramanathan appeared before me to give evidence I would see to it that he was

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* Not Printed.

not attested while giving evidence or in my presence. As regards the other request, I had already agreed to examine all arrested persons whose evidence was regarded as material. Sri Ramanathan appeared before me on 1st February 1957 and his evidence has been recorded at length.

5. A sketch of the Gandhi Maidan, Valparai, where the firing incident took place and its surroundings prepared by the Panchayat Union Surveyor (W. 17), Valparai, is marked Exhibit ' F '. The maidan is a more or less triangular piece of ground with two of its sides almost at right angles to each other. The longer side measuring a little over three chains runs east to west and adjoining it is a road (hereafter referred to as the Temple road) which separates it from a Subramania temple in front of which my enquiry was held. The shorter side running north to south measures nearly three chains. The Police station, with the Sub-Inspector's quarters and the Police lines for the constables on either side, is situated immediately to the east of the maidan, with only a metal road (hereafter referred to as the Police station road) intervening between them. The hedge forming the compound of the Police station abuts on the road and is only about 8 feet in front of the station verandah. The road takes a bend towards the north-west and is joined by another metalled road (referred to hereafter as the Post Office road) a few feet before connecting up with the Highway which forms the main bazaar of Valparai. As the junction of the three roads near the Post Office figures prominently in the evidence I have had it photographed and this is marked Exhibit 'C'. The Post Office is located at the corner between the Main road and the Post Office road. The maidan itself is the open space between the Police station road, the Temple road and the Main Bazaar road, the last road running roughly north-east to south-west where it adjoins the maidan. There is a slope in the maidan from the east downwards towards the west, the Police station and the Sub-Inspector's quarters being at the top of the slope and the Main Bazaar road at the bottom. Exhibits ' D ' and ' E ' are two photographs of the maidan taken from different angles and the slope can be clearly noticed in the photographs.

6. (i) Before entering into the evidence relating to the incidents of 26th January 1957, it would be convenient to deal with the evidence of witnesses in Group VI which provides a general background regarding the activities of the Anamalais Plantation Workers' Union in recent months. There are approximately 50,000 workers in all the 48 estates on the Anamalais, of which about 13,000 members of that Union which is a Communist-controlled organization affiliated to the All-India Trade Union Congress. In 1952, the Government had constituted a Special Industrial Tribunal to go into various matters such as the fixation of wages for field workers, etc. This Tribunal gave its award in October 1956. On the question of wages the award was that the wages for men, women and children should be increased from the

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then existing rates of Re. 1–7–0, Re. 1–1–0 and Re. 0–11–0 per day to Rs. 2–4–0, Rs. 1–12–0 and Re. 1–0–0 respectively and that retrospective effect should be given to the increased rates from March 1952. The employers filed an application before the Supreme Court for leave to appeal against the award of the Special Tribunal and for stay of the implementation of the award pending disposal of the appeal. In December 1956, the Supreme Court granted stay (including stay of the retrospective effect given to the new rates) and allowed an interim increase of Re. 0–3–0, Re. 0–2–0 and Re. 0–1–0 respectively in the daily rates of wages for men, women and children (Exhibit "T"). Ever since the publication of the Tribunal's award, the Anamalais Plantation Workers' Union has been carrying on an agitation for its full and immediate implementation and has been holding numerous meetings and taking out long processions for the purpose. The Manager of the Paralai Estate (W. 109) speaks to one such procession headed by the President of the Union, Sri C. Mathuram which entered his estate on 1st November 1956 without permission and without notice. They assembled on the muster ground and held a meeting at which violent speeches were made and slogans such as "Down with Managers. Down with writers", etc., were shouted. The Manager made a report about this to the Police. On the 19th the same Manager had word that another procession was going to march to his office and bunglow during working hours, but he had managed to secure the presence of the Police before the procession arrived. Order was kept but work in the Estate was held up for a period of about 2 hours. In November 1956, another Communist procession of 400 to 500 workers came to the Sholayar Estate at about 7-30 p.m. and threw stones at the house of the conductor, W. 111, and the Assistant Manager's bungalow. There was another occasion in December 1956 when certain members of the Union came to the same conductor in a procession and abused him in "filthy" language. Several complaints were made to the Police that these processions were causing obstruction to motor traffic. Two such incidents are mentioned by W. 105; Manager of the Anaimudi Estate and the second of them was about two months ago when his car was surrounded by the Communist procession and was detained for about 7 or 8 minutes. W. 107, the Manager of the Muthumudi Estate has mentioned another instance when one Abraham Lincoln who was in charge of a Communist procession prevented him from going up to the Group hospital until the entire procession has passed. On 11th November 1956 in the Mudis town, a woman of the South India Plantation Workers' Union who crossed a Communist procession was assaulted by the processionists and this resulted in a clash between the relations of the woman and some of the processionists. The matter was reported to the Police and 10 persons belonging to both the parties have been charged in this connection. On 22nd November 1956 the Communists wanted to go in a procession with naked torches from the Mudis area into the Valparai town. The residents apprehended danger from the naked torches and the Sub-Inspector met the processionists outside the town and very reluctantly they

agreed to enter the town without the torches. With a view to control these processions section 30 of the Police Act was applied to the Valparai area from 1st to 15th December 1956 and in spite of the wide publicity given the workers belonging to the Anamalais Plantation Workers Union took a large number of processions and conducted meetings during the period without obtaining licences. Twenty-two persons belonging to this Union have been prosecuted under section 32 of the Police Act as a result of the violations.

(ii) Certain incidents of intimidation of other workers, the supervising staff and the Managers in the Estates have also been mentioned by the witnesses. On 19th December 1956 there was a lightning strike organized by the members of the Anamalais Plantation Workers' Union on the Monica Estate and the organizers threatened one division of workers which had gone to the factory for work with violence if they continued to work, with the result that all workers including those who were willing to continue came out. This was reported to the Manager, W. 115, at about 7 a.m. and when he went to the factory at 7-30 a.m. he found a procession of the strikers going round and round the factory shouting slogans. The procession went to Iyerpadi Estate and on the way back they threw stones at certain labourers who were working at the nursery of the Monica Estate. Mr. Campbell (W. 107), Manager of the Muthumudi Estate, has deposed that he was stopped on three occasions in 1956 from leaving his office by the workers belonging to the Communist Union. The third occasion was on 27th September 1956 when the members of the Communist Union came in a procession and while the men were making demonstrations in front of the office, the women surrounded him and detained him for about 45 minutes until he was "rescued" by a Police party. W. 117, the Manager of the Sellaliparai Estate, says that on 22nd December 1956, he was obstructed and assaulted by a number of workers belonging to the Union and 17 workers have been arrested in this connection. A complaint has been made to the Police that on 9th January 1957, nine labourers belonging to this Union surrounded the Manager of the Kalliar Estate. W. 118, a labourer in Muthumudi Estate, deposes that on a certain occasion he was beaten by certain members of the Anamalais Plantation Workers' Union, taken to their lines and tied up there and had to be released by the Police. The Police have filed a charge-sheet against the persons concerned in this connection. W. 107, the Manager of the Muthumudi Estate, says that Mathuram and Ramanathan have been trying to use the reading room of the Estate as their Union Committee room. They had obtained the keys from the person with whom they were kept as he happened to be a member of the Union and refused to hand them over to the manager. The witness closed the reading room, but the Communists put their own padlocks on it and he had to get Police assistance to remove the padlocks and the samans belonging to the Communists kept in the room. W. 104, Group Medical Officer, Sellaliparai Estate, deposes that he has been threatened with physical violence several times by the members of the

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Communist Union in the Estate to make him agree to their demands on questions, such as fitness of persons for work, etc., which come within his purview. He also speaks to a demonstration in front of his house made by the Communist procession armed with sticks for which he had to get Police protection.

(iii) W. 103 is the Chairman of the Anamalais Planters' Association. He went to Coimbatore on 9th November 1956, met the Collector and the District Superintendent of Police and told the latter that in his opinion the Police at Valparai were not sufficiently strong " to control the mounting violence of the Communists in the Anamalais area " and he also undertook to show the District Superintendent of Police the accommodation available should he decide that a larger police force was necessary. The District Superintendent of Police could not meet them. On 21st 16th January 1957 and had a discussion with the Chairman and certain other members of the Anamalais Club in regard to the representations made by the Chairman and other matters relating to security. No other police officer and no representatives of the workers' unions were present at the meeting and there was no discussion about the line of action to be taken in respect of any particular union or group of unions. The District Superintendent of Police, however, separately sent for the leaders of all the unions and spoke to them about the need for conducting the elections in a peaceful manner and the arrangements to be made in that connection. Notices had also been sent to Ramanathan and Mathuram, the General Secretary and President of the Anamalai Plantation Workers' Union; but they were not available at Valparai and the District Superintendent of Police could not meet them. On 21st January 1957 the Circle Inspector of Police held a meeting of all the Union representatives to finalize the arrangements for taking out processions and for holding public meetings and certain arrangements were agreed to. Exhibit ' P ' is a copy of the proceedings of this meeting and they have been signed by all the Union representatives including Mathuram and Ramanathan. The Circle Inspector, W. 119, also deposes that the principle that when taking out processions traffic should not be obstructed was also agreed to and it has not been mentioned in Exhibit ' P ' only because it is more or less a statutory requirement. This is corroborated by the evidence of W. 102, Secretary of the South India Plantation Workers' Union who was present at the meeting; he says that it was agreed by the representatives that processionists should keep to the left of the road and should " break " if necessary to make way for motor vehicles. As a result of the visit of the District Superintendent of Police, one section of the armed reserve consisting of one Head constable, one Nayak and eight constables was posted at Valparai to meet any emergencies that might arise in the Valparai area. It must be pointed out that this section was not deputed because any special trouble was anticipated on the Republic Day and that it had been stationed at Valparai for about ten days previously. No special orders either prohibiting or regulating meetings and processions had been issued for the Republic

Day, although there were general orders that police permission should be obtained for the use of mike-sets and loud-speakers at public meetings.

7. (i) I shall now proceed to summarize the evidence of the witnesses in the other Groups. The facts of the case as deposed to by the police and other official witnesses are as follows :—

26th January 1957 was the Republic Day and in celebration thereof the Anamalais National Plantation Workers' Union affiliated to the Congress conducted a meeting on the Gandhi Maidan. This meeting was over at about 2 p.m. The Communist-controlled Anamalais Plantation Workers' Union had also applied for and been granted permission for the use of a mike at another meeting which was due to commence at about 3 p.m. on that day. The members of the Union came in a procession from Mudis with red flags tied at the end of sticks and shouting slogans. The procession arrived at Valparai at about 2-30 p.m. and came up the main bazaar. At the junction of the roads opposite the Post office they took a wide bend across the main road to turn into the police station road and from there they came down to the maidan. The Sub-Inspector Sri G. B. Ahmed (W. 1) was then standing on the road in front of the police station with a head constable and some other constables. He noticed some congestion at the road junction near the post office and a jeep coming down the post office road had been stopped there. He, therefore, deputed Head constable Arogyasami (W. 2) and two other constables (Ws. 3 and 4) to regulate the traffic there and to see that vehicles were not obstructed. The leaders of the section of the procession passing the road junction then were Abraham Lincoln (W. 46) and another by name Karuppan. They said that the jeep could proceed only after the whole procession had passed, but the Head constable managed to separate the processionists and let the jeep go through. Soon afterwards a car belonging to Mr. Sewel (W. 20), Manager of the Iyerpadi Estate, came from Pollachi and had to be stopped on account of the procession moving across the main road. The police managed to make way for this car also, in spite of protests and abuses from Abraham Lincoln. A little while later, another car came up the main bazaar road and then an Express bus plying between Mudis and Coimbatore via Valparai and both were obstructed and detained just below the junction of the roads. The Head constable and constables tried to make way for these vehicles, but the processionists insisted that they should wait until the entire procession had passed the point. Wishing to avoid any disturbance the constables stood aside and the car and the Express bus could not proceed on their journey until after the entire procession had come across into the police station road. The Head constable and constables followed the procession to the police station and the Head constable reported to the Sub-Inspector what had happened at the road junction. Abraham Lincoln was also coming along with the rear of the procession and the Sub-Inspector called him and questioned him. Most of the processionists had then seated themselves on the maidan, although a few of them were left on the road.

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Abraham Lincoln was defiant in his replies and said that it was impossible to let vehicles go through when processionists were marching. As his attitude was aggressive and as there was also a previous occasion at the Mudis Out-post when Abraham Lincoln had obstructed a police officer, in the discharge of his duties, the Sub-Inspector arrested him, i.e., he caught him bodily and handed him over to a constable (W. 6) to be taken into the police station. This was a signal for the entire crowd gathered in the maidan to surge forward and pelt stones at the Sub-Inspector and constables. The Sub-Inspector threatened to make a lathi-charge and as stone throwing increased in intensity and the head constable and constable and three other constables; but it was ineffective. Stone-throwing increased in intensity and the head constable and constables sustained injuries. Seeing that the situation was becoming serious, the Sub-Inspector rushed into the police station with the constables following him. The Sub-Inspector ordered the section of the Armed reserve police stationed there to get ready and " load up ". Stones were then being thrown in very large numbers both at the police station and the Sub-Inspector's quarters. Cries and wails were heard from the Sub-Inspector's wife and children in his quarters. The Sub-Inspector then came out of the police station, stood on the veranda and shouted " Run away. Run away or I will order firing ". The Sub-Inspector received a stone-hit on his stomach while he was shouting out this warning. The crowd was then almost at the fence, a few feet in front of the police station. It did not disperse; more shouts " Beat, throw, etc.", were heard and the stones continued to rain in. The Sub-Inspector then asked Vairavan (W. 7), the first reserve constable who came out to fire two rounds. He did so. The Sub-Inspector waited to see what the effect of the firing was. There were shouts " They are blanks. They are blanks " and the crowd was still rushing towards the police station as if it wanted to enter it. By that time the other Armed reserve constables were also ready. They were posted on the verandah and under the Sub-Inspector's orders eight more rounds were fired, two by W. 8, two by W. 9, one by W. 10 and three more rounds by Vairavan (W. 7). The crowd began to retreat and the Sub-Inspector then ordered " Cease fire ", and asked the armed party to go down to the maidan in the " on-guard " poosition. The crowd was gradually dispersed and the Sub-Inspector found four persons had fallen down on the maidan with bullet wounds. One was dead and another almost dying. Two more persons were lying in the front portion of Ellappa Rao's shop with bullet wounds. The Sub-Inspector posted guards round these persons and immediately sent for the Medical Officer in charge of the Local Fund Hospital (W. 13). The doctor arrived and gave glucose saline injection to Palni, the first injured person on the maidan. Another Appavoo who had injuries on the right side of his chest and shoulders died almost immediately after the doctor came to him. The doctor then gave first-aid to the other wounded person Abdulla (W. 40) on the maidan and crossed over to Ellappa Rao's shop. One of the injured persons there, a boy named Karuppiah was dead and the other Gnanamuthu was bleeding badly from

an injury on the left elbow. The doctor rendered him first-aid and came back to the maidan. By that time Palni to whom glucose saline injection had been given was also dead. As the stock of glucose saline was exhausted, the Sub-Inspector arranged for a supply to be brought from the Stanmoor hospital. He instructed the constables to assist the doctor and to arrange for the injured persons to be taken to the hospital, returned to the station and immediately sent telegrams to superior officers about the incident It was about 3 p.m. then.

(ii) The Sub-Inspector also registered a case at 3-30 p.m. and handed over the first information report to the Deputy Superintendent of Police at about 6 p.m. when he arrived there with the Inspector of Police and the Taluk Magistrate. There were then six persons with bullet wounds in the hospital—three brought by the Police, one by a local priest and two others who had turned up of their own accord. The injuries to two of the persons (Abdulla and Gnanamuthu) were serious and their dying declarations (Exhibits A-1 and B-1) were recorded by the Taluk Magistrate between 6-30 p.m. and 7 p.m. Gnanamuthu died on the morning of 27th January 1957. As there were no adequate facilities for treatment and no X-ray at Valparai, the Medical Officer advised that the five remaining injured persons should be taken to the Headquarters Hospital, Coimbatore, and the Sub-Inspector arranged for an ambulance and another van to take them there. Post-mortem on the four dead bodies was conducted by witness 13 and another doctor (witness 14) brought from Pollachi; after post-mortem the bodies were transported by Police vans and delivered at the respective houses of the families concerned on 27th and 28th January 1957. Exhibits H, H-1, H-2, H-3, H-4 and H-5 are the wound certificates issued by the Medical Officer to the injured persons including Gnanamuthu (who died on 27th January 1957) and Abdulla. The Sub-Inspector, the Head constable and other constables who had received injuries were examined by the Medical Officer on the evening of 26th January 1957 and Exhibits J, J-1, J-2, J-3, J-4, J-5 and J-6 are the wound certificates issued to them. The Medical Officer is of the opinion that the injuries could have been caused by stone-hits.

(iii) The Sub-Collector who had gone to Coimbatore for the Republic Day celebrations reached Valparai at about 7-30 p.m. He immediately inspected the scene of occurrence and to use his own words " the Police station and the Sub-Inspector 's quarters looked like places which had ben besieged and stormed ". A large number of big and small stones were strewn about on the verandah of the Police station, on the steps between the hedge and the verandah. There were also stones in the fore-yard and the room used by the Sub-Inspector in his quarters and in the open space between the two buildings. Some of the stones were quite big of the size of tennis balls and a few even larger. A number of chappals were also found among the stones. Many of the flower pots on the steps of the Police station were found broken. Several glass

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panes in the Police station as well as in the Sub-Inspector's quarters were found shattered and the broken glass pieces were strewn about everywhere. The name board of the Police station had been broken to pieces. The wooden ornamental work of the portico of the station had also been hit and the broken pieces were lying on the ground. Pock marks were visible on the recently painted walls where they had been hit by stones and the paint had come off. Some clods of laterite were also sticking to the walls. Holes had been made in the asbestos roofing of the Police station. In all there were about 300 stones on the Police station premises and over 100 stones in and in front of the Sub-Inspector's quarters. The Sub-Collector then inspected the maidan and found several bamboo sticks lying on it with a table, chair and a mike set at the corner near the Sub-Inspector's quarters. The Sub-Collector seized the various articles found in the precincts of the Police station, the Sub-Inspector's quarters and on the maidan and had mahazars (Exhibits M, M-1 and M-2) prepared in regard to the articles seized and the condition in and around the buildings. He held an inquest over three dead bodies at 11 p.m. on 26th January 1957 and over the dead body of Gnnamuthu at 12-30 p.m. the next day. Exhibits N and N-1 to N-5 are the inquest reports and the statements of witnesses examined at the inquest. The Sub-Collector also checked the stock of ammunition in the Police station and with the Head constable and constables of the armed reserve stationed at Valparai and the verification showed that only 10 rounds had been fired from the rifles of the Reserve Police. All the 10 empty cartridges were recovered. I inspected all the articles seized in the Court of the Stationary Sub-Magistrate, Pollachi, on 3rd February 1957.

8. The witnesses in Group II generally corroborate the facts as deposed to by the police witnesses. W. 19 is the Agricultural Income-tax Officer, Coimbatore, whose jeep came down the Post Office road and was detained at the junction, and he says that he had to wait for about 15 or 20 minutes and even after the Head constables and constables arrived at the spot, the processionists were reluctant to disturb the procession to make way for the jeep and that they did so with very great difficulty. Witness 20 is the Manager of the Iyerpadi Estate whose care was held up for about a minute while the constables interfered to let it through. He says that some of the processionists objected to being stopped and shook their fists at one of the constables. Witnesses 21 and 22 speak to the Express bus and a car driven by them having been detained at the road junction until the entire procession had taken the bend across the main road and had passed on to the police station road. Witness 21 says that the processionists refused to make way for the bus although the Head constable asked them to do so and that he had to wait for about 20 minutes. Witness 22's evidence is that though the Head constable was signalling to him to come up he could not do so as the processionists did not make way and that some of them said " There is only a little more of our procession left and the car could wait till the entire procession has passed." Witnesses 23, 24 and 25 speak to their vehicles having been detained by

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the same Communist procession on 26th January 1957 at some other points on the outskirts of the Valparai township. Witness 24, the Manager of Mount Stuart Estate, was stopped twice. On the first occasion he had to wait till the entire procession had passed and on the second occasion he managed to get through a temporary gap in the procession. Every time he attempted to start his car there were shouts from the processionists ' Stop ' and clenched fists and sticks were shown by them. Witness 25 took his car right up to the procession, whereupon the processionists surrounded it and shouted threats. Witness 26, Sri D. C. Kodagoda is the General Secretary of the South Indian Plantation Workers' Union affiliated to the Indian National Trade Union Congress. His residence is on the first floor of the Galab Building opposite to the Post office. This building is marked ' X ' in Exhibit ' F '. His evidence is that after finishing his lunch he was talking to some of the workers and witnessed from the terrace all that was going on at the road junction and on the road and maidan in front of the police station. In regard to the car and bus which had to wait for the entire procession to go across the road, he says that the constables were not able to do anything because Abraham Lincoln asked the processionists not to make way. He saw the Head constable reporting something to the Sub-Inspector and Abraham Lincoln being taken into the police station by a constable. The people from the maidan then came on to the road and the head constable and a few constables tried a lathi charge, but without effect. Stones were thrown at the constables and at the police station. The Sub-Inspector then went inside the station and shouted to the crowd " Don't throw stones or I will order firing " but there were shouts from the crowd " Throw, Throw " and the pelting of stones increased. Then one or two shots were fired at the crowd from the police station and as the crowd did not disperse then five or six more shots were fired. Immeditely the crowd started dispersing, he went inside his residence, came out with a camera and took photographs of the police station, the dead bodies, etc. He handed over the photographs to the Collector when he was examined the next day. Two of these showing the broken flower-pots and a large number of stones lying about the steps of the police station are marked Exhibits S and S-1. Witnesses 27 and 30 are two employees of the A.B.T., Limited, who speak to almost all the incidents, commencing from the obstruction near the Post office and culminating in the firing. One was standing at the Post office corner at the time and the other in front of the Galab building. Witness 29, Ellappa Rao is the owner of the shop (marked ' Y ' in Exhibit ' F ') in the front portion of which two of the persons who had received injuries were found. He also speaks to all the main incidents relating to the communist procession. Witness 31 is an egg-seller who saw the communist procession coming into Valparai, but went up the temple road to the Sub-Inspector's quarters to sell eggs. The Sub-Inspector's wife had selected the eggs when he heard the sound of stones falling. He went outside to see what the matter was and saw the Sub-Inspector standing on the station verandah and saying " Run away or I will order firing ". He took shelter in the

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Sub-Inspector's house itself until the firing had ceased and heard the Sub-Inspector's wife and children crying pathetically. Witness 32 is the Sub-Inspector's wife who deposes that while she was purchasing eggs, a large number of stones fell on the roof, door and walls of the Sub-Inspector's quarters and window panes were broken. She brought the children inside the house. She and her children were crying inside the house and she saw through the window stones falling heavily on the police station also, and then heard the sound of gun-shots. Witness 33 is the monigar of the Anamalais hills village with headquarters at Valparai. His house is just behind the police lines on the post office road. He heard the noise of the crowd and stones hitting the roofs and wood-work. He came down the road and was just in time to hear the first shots fired. He also speaks to the subsequent events relating to the injured persons being attended to and sent to the hospital, the inquest, etc. Witnesses 34 and 35 are the Sub-Postmaster and a clerk in the Post office at Valparai. While at work inside the Post office they heard a lot of noise on the maidan side of the Post office and on peeping out through a window on that side saw a large crowd on the maidan and stones being pelted at the police station. Anticipating trouble, they returned to their seats to secure the valuables and while doing so, heard the sound of gun shots. Witness 36 is another shop-keeper on the main bazaar who speaks to the pelting of stones at the police station, the warning by the Sub-Inspector and to the subsequent firing. Witness 38 is the General Secretary of the Anamalais National Plantation Workers' Union. He conducted the meeting at the Gandhi maidan which terminated just before the communist procession arrived. While the mike and other decorations were being removed he went towards the Post office and stood on the road-side. He corroborates the other witnesses in regard to the main incidents leading to the opening of fire by the police.

9. Of the five injured persons examined by me at the Headquarters Hospital, Coimbatore, three, viz., Ws. 40, 43 and 44 are members of the Communist union and their evidence is important in view of the version of the leaders and members of that Union dealt with below. W. 40 is the person from whom a dying declaration (Exhibit A-1) has been recorded and his deposition is that stones were being thrown by the people in the crowd at the police station and that the policemen there asked the crowd to go away. He had sustained a severe injury on the left clavicle and he admits that the bullet hit him from the front and passed out through the back near the top of his shoulder. Ws. 43 and 44, as well as W. 41 who does not belong to any Union, admit that people in the crowd threw stones at the police station before the firing started. With reference to what the witnesses placed in Group IV have stated, I may point out here that Ws. 41 and 44 say in addition that there were no stones from the police station side thrown at the crowd in the maidan. W. 42 is a member of the Union of which one Mr. Mathew is an office bearer. He speaks to the obstruction of traffic by the crowd at the cross roads and to the Sub-Inspector having caught hold of a man and pushed him towards the police station. The crowd then shouted " They have taken him to the

police station " and began pelting stones at the police station and then he heard gun-shots. He was in the middle of the crowd near the Subramania temple when he received a bullet wound on the left arm.

10. (i) The most important of the witnesses in Group IV are Abraham Lincoln (W. 46) and Ramanathan, General Secretary of the Anamalais Plantation Workers' Union (W. 47). The President himself (W. 45) merely says that while the procession was coming in, he heard that a woman worker had fallen at Sholayar Estate and he therefore brought her in a car to be attended to by a compounder Gopalan whose dispensary is located at the Galab building mentioned previously. When the woman-worker had been attended to, he went to a neighbouring shop to take coffee and then heard the noise of gun-shots. Then he went up to the maidan and advised the crowd to disperse. Abraham Lincoln admits that he was one of the persons regulating the Communist procession on 26th January 1957, but according to him he was merely asking the people standing on the police station road and the temple road to join the people in the maidan and went towards the police station from the south. The Sub-Inspector then asked him " Does the road belong to your father? " He replied " No." The Sub-Inspector then beat him and said to a constable who was standing by " Put him in the lock-up ". The Sub-Inspector and the head constable then lifted him bodily each holding one arm and took him into the police station. The Sub-Inspector blew a whistle and thereupon some stones were thrown from behind the police station. The Sub-Inspector then asked the reserve police to " fall in " and firing started. He says that he was in any way concerned with regulating the procession at the road junction near the Post office and he does not know why he was beaten.

(ii) The evidence of Ramanathan is as follows :—

The Anamalais Plantation Workers' Union had organized a meeting at Gandhi maidan on 26th January 1957 to announce to the workers the result of a " ballot " that had been fixed for that morning on all the Estates and the course of action which they should take after 1st February 1957. While the previous meeting was going on, some 20 or 25 labourers of Pannimedu Estate came in a A.B.T. lorry and got off in front of the police station. Some of them went towards the police station and some came on to the maidan. Towards the close of the meeting, Sri Anugundu Annamalai (W. 38) who was addressing the previous meeting said " in a short while there is going to be a க. க. meeting. They are going to get Rs. 2–4–0. Let not our labourers stay here. All of you had better get away." Then the mike was set up for the Anamalais Plantation Workers' Union meeting and while songs were being sung he was informed by a worker that head constable Arogyasami (W. 2) was beating the processionists and then by another worker that Abraham Lincoln was beaten at the junction of the roads and was being dragged to the police station. He, however, advised the people to keep quite. Then some stones fell from the police station side. He announced over the mike that

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the workers should remain calm and then he heard the noise of gun-shots. He first thought that they might be tear-gas shells to disperse the crowd but when three people received bullet wounds and fell down he asked the workers to go home. He did not see any stones being thrown from the maidan or the road at the police station or at the Sub-Inspector's quarters. He also refers to a meeting between representatives of various unions including the Anamalais Plantation Workers' Union held at Coimbatore on 25th January 1957 to discuss the futher course of action to be taken for the implementation of the award of the Special Tribunal. When he mentioned at that meeting that there was to be a ballot on 26th January 1957 to ascertain the attitude of the workers on the question of wages, Sri Anugundu Annamalai said " We can see if all of us are alive after 26th January 1957 ". The witness then proceeds " looking back after the firing on what Anugundu had said it appear to me now that the Anamalais National Plantation Workers' Union should have connived with the police and probably with the planters also to organize the firing which took place on 26th January 1957 ". He also heard that on or about 15th January 1957, some secret understanding had been reached between the planters, representatives of the two Unions affiliated to the Indian National Trade Union Congress and the police in regard to some course of action against the Anamalais Plantation Workers' Union and that Mariappa Pillai, Manager of the A.B.T. Limited, Pollachi, had said to some one (to whom he does not know) that Sri N. Mahalingam, M.L.A., the proprietor of the company was arranging something to have him (Ramanathan) and Mathuram arrested to increase his (Sri Mahalingam's) chances of success at the ensuing elections.

(iii) W. 48 was the mike-operator at the Communist meeting. According to him what Anugundu stated at the end of the previous meeting was " with the next meeting, the Communist meetings will come to an end. It would take 3 or 4 months more for any subsequent meeting." Soon after the Communist meeting commenced, the mike went off and while he was attending to it a stone hit him, and when he turned back he heard the noise of gun-shots. This stone should have been thrown from the northernmost end of the police lines and to support this he says that he had previously noticed two or three people going towards that corner. W. 50 is a labourer who says that he came along with the procession but sat down in a shop by the side of the main road. Some people on the road were saying that some one was being beaten and taken to the police station and then he heard sound of gun-shots. He saw the Sub-Inspector pointing his finger towards the crowd and a Head constable aimed in the same direction and fired and a boy and a man sitting close to him fell down. He does not know whether anybody threw any stones. The remaining witnesses 51 to 85 are all labourers belonging to the Anamalais Plantation Workers' Union. Their evidence is broadly that Abraham Lincoln was beaten and taken into the police station, that the Sub-Inspector blew a whistle, that stones then began to fall from the police station towards the crowd and that this was very soon followed by

firing from the police station. Some of the witnesses mention other incidents. Ws. 59, 62, 63, 66, 72, 78, 79 and 85 speak to the altercation between Abraham Lincoln and the police in connection with the regulation of traffic at the road junction, although the details vary from one witnesses to another. W. 60 saw the Head constable say something to the Sub-Inspector and Abraham Lincoln being beaten by the Sub-Inspector and dragged into the police station, but in regard to what took place at the road junction his evidence is that it was he (witness) who asked the driver of a car to wait until the entire procession had passed, even though the Head constable was signalling the car to come up and later in his evidence he adds " it has been the practice for all car drivers to stop when our processions are crossing the roads ". W. 79 while admitting that the processionists would not make way for the car although the Head constable and constables asked them to do so gives expression to an interesting point of view, viz., " We people in the procession were saying ' motorists can cover several miles in an hour and they may as well wait and let the processionists walking on foot pass '." In regard to stone throwing W. 84 says that stones were flung from the police station side towards the crowd, as well as from the crowd on the maidan towards police station. Ws. 63, 65, 72 and 75 say that when stones began to fall from the police station side towards the crowd, the crowd also threw stones at the police station. W. 65 adds that the flinging of stones from the maidan must have started from persons who had attended the previous meeting and who continued to sit there during the Communist meeting also. Another version given by W. 82 is that when Abraham Lincoln was beaten, the people round about asked " Why do you beat him? " and the Head constable beat them with his lathi. The people standing about then threw stones at the Head constable and the Head constable and constables threw stones at the crowd. Then the persons from the crowd in the maidan began to throw stones at the police station. Almost all the remaining witnesses say that no stones at all were flung by the crowd on the maidan or on the road towards the police station or the Sub-Inspector's quarters.

11. Coming to the witnesses in Group V, W. 86 claims to have been sitting in the front row at the communist meeting, but can say only that stones were thrown from behind the police station and he heard gun-shots. He did not see either Abraham Lincoln or the Sub-Inspector. The witness says he is a member of the S.I.P.W. (Congress) Union, but according to W. 92 he belongs to the communist union. Two other witnesses whose trade union affiliation is doubtful are Ws. 97 and 98. Both claim to the members of the Congress Union, but W. 101 (a maistry) deposes that they do not belong to it. W. 97 purports to quote certain words used by Anugundu Annamalai at the end of the previous meeting which were to the effect " We have now to make way for the meeting of the Union which is going to get Rs. 2–4–0 for the workers." The witness says that he received a stone-hit on the back of his palm but does not say whether the stones were being thrown from the maidan towards the police station or in the opposite direction.

W. 98 says that the stones fell from the police station side and the people in the crowd then began to shout and throw stones towards the police station. W. 87 says nothing about stone-throwing but says merely that there was a disturbance opposite the police station, he heard gun-shots from there and the constables came out of the police station while shooting. He did not notice any persons beyond the fence on the police station side. W. 89 says that while Abraham Lincoln was being taken to the police station, the people in the crowd shouted " Why are you taking him? If you want to arrest any one, arrest us all." Then the Sub-Inspector went in and the noise of firing was heard, and four people on the maidan fell down. The crowd then got angry, shouted " Kill us also " and began to throw stones at the police station—a version which is not spoken to by any other witness. The remaining witnesses in this group generally support the evidence of the police witnesses and the witnesses in Group II, namely, that when Abraham Lincoln was arrested, the people in the crowd began to pelt stones at the police station. that the Sub-Inspector gave a warning and that as stone-throwing continued in spite of the warning, the police opened fire.

12. The main questions of fact that arise in regard to the incidents on 26th January 1957 are—

(*a*) Whether Abraham Lincoln caused any obstruction to the police constables regulating traffic at the junction of the roads near the Post office and whether his arrest was legal,

(*b*) whether there was any understanding between the police and others as to any course of action to be taken against the A.P.W. Union on the Republic Day and whether stone-throwing first commenced from the police station side as alleged by Ramanathan and the members of his Union,

(*c*) whether following the arrest of Abraham Lincoln stones were thrown at the police station and the Sub-Inspector's quarters from the crowd in the maidan and on the road as alleged by the Police witnesses, and

(*d*) whether there was a warning by the Sub-Inspector before firing was actually resorted to.

I shall proceed to review the evidence and record my findings on each of these points seriatim.

13. *Point* (*a*) *in paragraph* 12.—(i) A number of recent instances of obstruction caused to motor traffic by communist processions and incidents arising therefrom have been given in the evidence of the witnesses in Group VI as detailed in paragraph 6 and there is the independent evidence of Ws. 23, 24 and 25 that obstruction was caused on the out-skirts of the Valparai town by the particular communist procession, which was proceeding to the Gandhi maidan on the Republic Day. The words which I have quoted from the evidence of the witnesses 60 and 79 in paragraph 10 (iii) above clearly indicate that there is a tendency on the part of the members of the Anamalais Plantation Workers' Union to make a point of not having their procession broken to make way for vehicles. The actual obstruction at the Post office road junction is spoken

to, not only by the police witnesses, but by a very large number of independent witnesses including the drivers of all the vehicles that were detained there, viz., Ws. 19, 20, 21 and 22. Though a vague allegation has been made about the Proprietor of the Company, one of whose buses was driven by W. 21, I consider that the evidence of W. 19 (Agricultural Income-tax Officer), W. 20 (Manager of an Estate) and W. 22 (a person belonging to Tirupur) is quite trustworthy. Though Abraham Lincoln says that he was not concerned with the regulation of traffic at the road junction, his presence there and an altercation between him and the Head constable (W. 2) are spoken to by a very large number of witnesses including a number of labourers belonging to the communist union. In fact, there was no reason why the Head constable should have reported to the Sub-Inspector about Abraham Lincoln at all if he had not been present at the road junction. Ws. 3 and 4 say that the Head constable put out one of his hands to stop the procession to make way for Mr. Sewell's car and Abraham Lincoln pushed aside his hand and abused him. Though the jeep and the Manager's car were allowed to go through after interference by the police, the Express bus and the Tirupur car were detained at the road junction until the entire procession had passed and the police had to stand aside on account of the attitude of Abraham Lincoln, who was the leader in charge of the section of the procession which was then turning into the police station road. His act amounts to causing obstruction to the Head constable and the constables who had been deputed to regulate the traffic at the road junction. The Sub-Inspector was standing on the road in front of the police station when the procession was coming along and the obstruction at the road junction was visible from where he was standing. When questioned by him Abraham Lincoln was aggressive in his attitude and defiant in his replies. He said that it was impossible to make way for the vehicles while a procession was marching. W. 3 also deposes that Abraham Lincoln spoke "roughly" to the Sub-Inspector. His behaviour both at the road junction and before the Sub-Inspector was certainly disorderly within the meaning of clause (12), section 3 of the Towns Nuisances Act, 1889 (Madras Act No. III of 1889) and he could, therefore, be lawfully arrested without a warrant under section 8 of the Act. (This Act had been extended to the Valparai township by a notification published in 1935—Exhibit U.) Whether the Sub-Inspector's action in arresting him then was altogether wise is a different matter which I shall deal with later; but that can have no bearing on the justification or otherwise of the action taken with reference to further developments.

(ii) I shall dispose of here the allegation made by some of the witnesses belonging to the Anamalais Plantation Workers' Union that Abraham Lincoln was beaten by the police before he was taken into the police station. There are numerous discrepancies in the evidence of these witnesses as to the number of blows given, where exactly he was beaten and whether the Sub-Inspector or the Head constable or both beat him and the evidence of none of the witnesses can be regarded as reliable. The Sub-Collector arrived at Valparai at 7-30 p.m. on 26th January

1957 and immediately inspected the police station and no complaint about any beating was made to him by Abraham Lincoln. None of the witnesses in Group II mentions any beating and W. 26 who was watching all that happened from the very beginning says that he did not see the Sub-Inspector beat Abraham Lincoln. While it is possible that the police were not particularly gentle towards Abraham Lincoln while he was taken into the police station, there is no credit-worthy evidence to show that he was beaten either at the road junction or in front of the police station before he was arrested.

14. *Point (b) in paragraph* 12.—In order to give some colour to his suggestion that there was some sort of understanding between the police, the representatives of certain other labour unions and probably the planters also in regard to the action to be taken in connection with the communist union's meeting on 26th January 1957, Ramanathan has referred to (i) the meeting between the planters and the police at the Anamalais Club on 16th January 1957, (ii) to certain words alleged to have been used by Anugundu Annamalai at Coimbatore on 25th January 1957 and towards the close of the previous meeting held at the Gandhi maidan on 26th January 1957 and (iii) what K. Mariappa Pillai is alleged to have told someone in regard to his employer Sri N. Mahalingam, M.L.A. The witnesses who speak to Anugundu's words at the Anamalais National Plantation Workers' Union meeting are Ramanathan himself (W. 47) and Ws. 48, 63, 65 and 97. According to Ws. 47, 63 and 65 the words used were "All of you had better get away. There is to be a communist meeting and they are going to get Rs. 2–4–0." The suggestion here is that "getting Rs. 2–4–0" is a vague reference to the firing that took place later. The words attributed to Anugundu by W. 48, viz., "With the next meeting, the communist meetings will come to an end and it will take 3 or 4 months more for any subsequent meeting" are entirely different from the words attributed why the three other witnesses. According to W. 97 the words used were "We have now to make way for the meeting of the union which is going to get Rs. 2–4–0 for the workers". These words may have an ironical ring but they have no sinister significance whatever. In fact there is an element of self-contradiction in Ramanathan's evidence on the point. He says that notwithstanding Annamalai's words, the people at that meeting continued to sit on for the next meeting. If really Annamalai's words had any sinister significance and he had asked his labourers to go away, they could have been in a hurry to follow his advice. Anugundu Annamalai (W. 38) himself when questioned on the point denies having used any such words and adds that he has been saying at every meeting conducted by him "By good service done by my union I expect to make other unions dissolve for themselves by the end of 1957" and that he said the same thing at the Republic Day meeting also. He also denies having made the remark "We can see if all of us are alive after 26th January 1957" at the meeting of certain union representatives held at Coimbatore on 25th January 1957. According to him, this meeting was merely for the purpose of discussing

the then position in regard to the implementation of the award of the Tribunal. A Madras Advocate, Mr. S. Viswanathan, was there and it was merely decided to have a further meeting later. Ramanathan, however, says that the meeting decided that a strike should be organized by all the unions if the award was not implemented by 5th February 1957. In order to find out what exactly had happened at the Coimbatore meeting, I have examined the Madras Advocate, Mr. S. Viswanathan (W. 120). He says that certain negotiations for settlement of the dispute with the managements and the employees were going on with the Minister for Labour and that the meeting at Coimbatore on 25th January 1957 was merely for the purpose of ascertaining the stage at which the negotiations with the Government stood then. He placed the facts known to him before the meeting and it was decided that the position would again be reviewed at the end of the month. He denies having heard any conversation between Ramanathan and Anugundu Annamalai as alleged by Ramanathan. His evidence is much more in accord with the version of Annamalai than that of Ramanathan and I have no doubt that Ramanathan has invented the words attributed to Annamalai both at the Coimbatore meeting and at the public meeting at Valparai on the Republic Day. The evidence of the Chairman of the Planters' Association is conclusive as to what transpired at the meeting held at the Anamalais Club on 16th January 1957. The District Superintendent of Police was the only police officer present and the discussions covered security arrangements in general and there was no discussion whatsoever about the course of action to be taken in respect of any particular union or group of unions. The Circle Inspector of Police (W. 119) has spoken clearly to what transpired at the meeting between the police and the union representatives on 21st January 1957 and the proceedings of this meeting have been signed by Ramanathan and Mathuram also on behalf of the Anamalais Plantation Workers' Union. As regards what K. Mariappa Pillai is alleged to have said I have examined him as W. 116 and he categorically denies having told any one that Sri Mahalingam was arranging to have the communist leaders arrested so as to increase his chances of success at the next elections; nor did Sri Mahalingam say any such thing to him at any time. There is, therefore, not an iota of evidence to support the theory of a secret understanding between the police and other parties put forward by Ramanathan. It is in pursuance of this theory that Ramanathan has stated that while the previous meeting at the maidan was in progress, an A.B.T. lorry deposited a number of labourers in front of the police station, that some of them went towards the police lines and that the others came on to the maidan. The suggestion implied is that the labourers who went towards the police lines might have thrown stones at the crowd, as alleged by most of the witnesses in Group IV; but there is hardly any other evidence to indicate that there were any outsiders (i.e, persons other than police personnel and the women and children of the constables' families) beyond the fence on the police station side of the road. The evidence of the Monigar (W. 33) is important in this connection. His house is

on the police station road and is separated from the police block of buildings only by the parade ground and the open space behind the police station is in front of his house. He states definitely that there were no persons other than the womenfolk of the constables either in the police lines or in the open space behind or around the police station or between the police station and the Sub-Inspector's quarters. There are numerous discrepancies between the witnesses in Group IV as to the particular portion beyond the fence from which stones were thrown at the crowd. According to most of them, the stones came from behind the police station, while several others say that they were thrown from the sides and a few that they were from the direction of the police lines. One witness, W. 76, even claims to have seen " with his own eyes " four police constables throwing stones from inside the police station! No one has stated that he received any injury from a stone thrown from the police station side and the only witness, W. 97 who says that he was hit by a stone says nothing about the direction from which the stone came. The evidence of the wounded persons examined by me at the Headquarters Hospital, Coimbatore, is entitled to great weight on the point as they have not had any contact with outsiders from the date of the occurrence. None of them speaks to any stones being thrown from the police station side and two of them, Ws. 41 and 44 say definitely that there were no stones thrown at the crowd in the maidan from the police station side. The suggestion that there was a secret understanding between the police and other interests to take some kind of action against the Anamalais Plantation Workers' Union on the Republic Day and that in addition to beating and arresting Abraham Lincoln stones were thrown at the members of the union from the police station side of the road is preposterous and fantastic. On the evidence on record, I reject the suggestion and find that there was no such understanding and that no stones at all were thrown at the crowd from the police station side.

15. *Point (c) in paragraph* 12.—There is ample evidence to prove that while Abraham Lincoln was being taken to the police station, there was a commotion and the crowd surged forward towards the police station and stones were thrown at the Sub-Inspector and the police constables. That the feelings of the people in the crowd were roused by the arrest of Abraham Lincoln is clear from the evidence of the labourers who belong to the Anamalais Plantation Workers' Union itself. A number of witnesses in this group have stated that the people stood up and shouts were heard " They are taking our leader inside " or words to that effect. The lathi charge that was first tried was made only by a head constable and three constables and this appears to have been little more than an attempt to beat back the persons who were coming on to the road from the maidan. As was to be expected this proved quite ineffective and the police had to rush into the police station, virtually to seek shelter there. The evidence is overwhelming that the stone-throwing continued and

increased in intensity even after the Sub-Inspector and the constables had gone into the police station. All the police witnesses and the witnesses in Group II who speak to the main incidents of the day, viz., Ws. 26, 27, 30, 36 and 38 are unanimous on the point. The noise caused by the stones hitting the walls, the woodwork, the asbestos roofing and the glass panes of the police station and the Sub-Inspector's quarters was so great that the Monigar (W. 33) came out of his house on to the road and the Sub-Postmaster and his clerk (Ws. 34 and 35) left their seats and looked out of the window to see what was going on and saw stones being pelted in large numbers at the police station. I consider that the evidence of the egg-seller (W. 31) who does not belong to Valparai and who had taken shelter in the Sub-Inspector's house itself to be quite reliable in regard to what he actually speaks to. The extensive damage caused to the police station and the Sub-Inspector's quarters, the marks on the walls, the holes in the roof, the broken flower pots and the large number of stones strewn about found by the Sub-Collector when he reached Valparai at 7-30 p.m. on 26th January 1957 and the photographs taken by W. 26 (Exhibits S and S-1) immediately after the crowd had dispersed leave no room for doubt that both the police station and the Sub-Inspector's quarters had been subjected to a heavy and prolonged bombardment with stones. When I inspected the police station on the evening of 30th January 1957 some recent holes made in the asbestos roofing were shown to me and I then casually remarked that if these holes had been made by the stones thrown at the police station, some of the stones would probably be left on the roof itself. On coming out, a number of stones big and small were actually found on the front side of the roof and these were gathered under a mahazar (Exhibit M-5). No one drew my attention to these stones and no one could have anticipated my remark; I have, therefore, no doubt that the stones had been on the roof from the day of the occurrence. My finding on point (*c*) is that as soon as Abraham Lincoln was arrested and taken towards the police station, the crowd in front of the station started pelting stones, that the stone-throwing increased in intensity after the Sub-Inspector and constables went into the police station and continued without abatement until the crowd began to disperse as a result of the opening of fire.

16. *Point* (*d*) *in paragraph* 12.—Most of the witnesses in Group IV belonging to the Anamalais Plantation Workers' Union say that no warning of any sort was given before firing was resorted to; but I attach no importance to their evidence on this point as they are clearly interested in trying to throw as much blame as possible on the police. Ws. 26, 27, 29, 30, 31 and 38 all corroborate the evidence of the Sub-Inspector that before fire was opened he shouted out "Run away or I will open fire". Ws. 26, 27, 30 and 38 were in a position to see the Sub-Inspector clearly on the verandah and were to the north-west of the police station at distances varying from 60 to 90 yards from there. There

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is nothing particularly improbable in their having heard the Sub-Inspector shouting in spite of the noise created by the crowd, as the crowd should have been concentrated towards the south-west, vide Exhibit F, and I see no reason to discredit their evidence. The need for giving a warning before opening fire is so well-known to police officers that I do not think it at all likely that it would have been omitted in this case. In this connection, I may refer to the evidence of Abdulla, the injured person from whom a dying declaration was recorded that when stones were thrown at the police station, the policemen there asked the crowd to go away. It is no doubt true that the warning actually given by the Sub-Inspector was not very elaborate and consisted merely of the few Tamil words " சுட்டுப்புடுவேன், ஓடிப்போங்கோ, ஓடிப்போங்கோ. " but it seems to me that anything more was not possible in the particular situation which the Sub-Inspector had to face. It was essential that no time should be lost; for the crowd was almost at the fence just a few feet in front of the verandah and if it had obtained a foothold in the police station, there is no doubt that the entire police force would have been over-run with the risk of all arms and ammunition there falling into the hands of the rioters. My finding is, therefore, that such warning as was possible in the circumstances of the case was given before fire was actually opened.

17. I now come to the most important question to be decided, namely, whether the opening of fire was justified in this case. Briefly, the sequence of events just before the firing was as follows: When Abraham Lincoln was arrested there was a commotion in the crowd on the maidan. People shouted and came forward towards the police station and stones began to be pelted at the Sub-Inspector and the constables. The Sub-Inspector threatened a lathi charge and as stone-throwing did not stop a lathi charge was actually made by the constables standing on the spot. There was, however, no question of dispersing the crowd at this stage and the Sub-Inspector's intention was merely to put a stop to the pelting of stones and to clear the road in front of the police station. As more stones were being thrown the Sub-Inspector and the constables were practically compelled to go into the police station for shelter. It is not clear whether the mob wanted to have Abraham Lincoln released or whether it was merely giving vent to its fury at the incipient lathi charge; but the stone throwing increased in intensity after the Sub-Inspector and constables had gone in and both the police station and the Sub-Inspector's quarters were subjected to a veritable bombardment. The Sub-Inspector's wife and children began to cry in his quarters. Though the crowd had originally gathered at the maidan for a lawful purpose, viz., for participating in a meeting, it was at this stage something much worse than an ordinary unlawful assembly or an assembly likely to cause a disturbance of the public peace which could be commanded to disperse under section 127, Criminal Procedure Code; it was a riotous mob indulging in the most flagrant form of violence. It had to be dispersed and the only question was how. There were some ex-servicemen in the crowd and it had advanced to the fence

which was just a few feet in front of the police station. There was an imminent risk of the police station being over-run, the police party being wiped out and the arms and ammunition there falling into the hands of disruptive elements. The police force at the disposal of the Sub-Inspector consisted of the normal staff of one head constable and eight constables and one section of the armed reserve consisting of ten men in all of whom one, the head constable, was ill and unfit for duty. Even an organized lathi charge by such a small body of men would have been worse than useless—it would have been foolish—for the purpose of dispersing an angry and violent mob consisting of 2,000 persons or more. In these circumstances I consider that the resort to fire arms to disperse the crowd was not only fully justified but that it was the only possible course which was open to the Sub-Inspector to deal with the situation.

18. It is unfortunate that in this case there was no time for giving any elaborate warning and for explaining to the crowd that in the event of fire being opened, fire would be effective but such warning as was possible and expedient was given and fire was opened only when the mob continued to pelt stones in spite of the warning. In this connection, I may point out certain injuries sustained by the reserve constables, Vairavan (W. 7) and Yakub Sahib (W. 11). Vairavan fired five of the total of ten rounds used in dispersing the mob and he deposes that the injury on his left ring-finger was caused by a stone-hit while he was holding his rifle after firing the first two rounds. W. 11 also deposes that two stones hit him while he was standing in the verandah. Both W. 9 and W. 11 came into the scene only when the firing party was actually called out and the injuries received by them show clearly that the stone throwing continued during the earlier stages of the firing. I may also observe that when the mob became riotous and began to raid the police station and the Sub-Inspector's quarters, the situation was not merely one of dealing with an unlawful assembly, but one in which the Sub-Inspector and the constables were entitled to exercise their right of private defence of person and of property; and an elaborate warning is not to be expected at that stage.

19. (i) The next question to be considered is whether any more force was used than was necessary. Once the need for firing is conceded, the Sub-Inspector was the best judge of the number of rounds to be fired and when the "cease fire" order should be given. He deposes that after the first two rounds were fired, he paused a while to see what the effect was but there were shouts "They are blanks. They are blanks" and the crowd was still rushing towards the police station as if it wanted to enter it. The shouts regarding shots being blank are spoken to by a number of other witnesses also including the labourers belonging to the Anamalais Plantation Workers' Union and there is also the circumstance of the injuries to the reserve constables Ws. 7 and 11 which

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I have mentioned previously to indicate that stone-throwing was continued after the first two shots. Considering the large crowd that had to be dealt with and its mood when firing started, there is no reason for supposing that the number of rounds actually fired, viz., 10 was excessive. The Sub-Inspector says that he ordered " cease fire " as soon as the crowd showed signs of retreating and I have no doubt that it is true.

(ii) Including Gnanamuthu who died the next day, four persons were killed as a result of the firing and five persons were wounded. The post-mortem certificates show that of the two persons who died on the maidan, one Appavoo had his right clavicle " reduced to fragments " and one of his right ribs was also fractured showing that he was hit from the front. Abdulla who was one of the persons injured on the maidan had his left clavicle fractured and he admits that the bullet hit him from the front. No one had sustained any injury which could be said to be due to a hit from behind. There is, therefore, no reason for even suspecting that firing was continued after the crowd had begun to disperse as alleged by one or two witnesses belonging to the Anamalais Plantation Workers' Union.

(iii) It has been suggested in some quarters that the firing in this case was somewhat indiscriminate, because none of the persons in the front portion of the crowd was injured and two of the injured persons were found in the front portion of Ellappa Rao's shop. In considering this matter, allowance must be made for the topographical features mentioned in paragraph 5. There is a live fence around the police station and the reserve constables had to shoot over the fence. There was also a downward slope in the maidan from the police station to the main road. These circumstances adequately account for the fact that the persons hit were in the middle of the maidan or near the bottom. Also the shape of the maidan is such that most of it lies in a south-westerly direction from the police station and Ellappa Rao's shop lies across the road opposite the lowest point (i.e., the south-west corner) of the maidan. Ellappa Rao himself says that the two injured persons rushed into his shop and fell down there and one of them Gnanamuthu has stated in his dying declaration (Exhibit B-1) that he was standing in front of the shop when he was hit. A glance at the sketch Exhibit 'F' would show that Ellappa Rao's shop itself is more or less in the line of firing that had to be resorted to and I consider that the presence of the injured persons at the shop and the possibility of their having been mere spectators standing on the road in front of the shop do not justify any inference of indiscriminate firing.

(iv) The public feeling immediately after the incident would also be relevant in considering whether there was any excessive or indiscriminate firing. The Sub-Collector arrived at Valparai at 7-30 p.m. on 26th January 1957 and he says that during his rounds of inspection he talked to the shop-keepers and local residents and did not notice any sign of resentment on the part of any one.

Some of the residents in fact told him that they thought that but for the firing, the police station would have been over-run and the police party wiped out. He found the cinema at Rottikadai, three miles from Valparai working. There was no strike or hartal in any of the Estates as a result of the firing and the Sunday shandy at Valparai was held as usual and was largely attended on 27th January 1957. Funeral processions were held in respect of the four persons killed and there were no demonstrations by any workers in that connection. Twenty-eight persons alleged to have been discovered while writing inflammatory posters calling for revenge were no doubt produced before the Sub-Collector on 31st January 1957 with a First Information Report under section 107, Criminal Procedure Code; but this is obviously an attempt of the leaders of the Anamalais Plantation Workers' Union to exploit the situation and cannot be regarded as representing the spontaneous reaction of the rank and file of labourers. Taking all the circumstances together, I find that the firing was in no way excessive or indiscriminate and that no more force was used than was necessary to disperse the riotous mob.

20. The immediate occasion for the pelting of stones by the crowd in this case was Abraham Lincoln's arrest. I have already found that the Sub-Inspector acted well within his powers in making the arrest, but the question remains whether this was a wise thing to do at that particular moment. In support of the Sub-Inspector's action, it may be contended that Abraham Lincoln had openly flouted the authority of the police right in front of the police station and any failure to take immediate action might be interpreted as a sign of weakness providing a handle for propaganda by the Anamalais Plantation Workers' Union and might also indirectly encourage the tendency towards violence noticeable in many of the activities of its members on the estates. Such considerations would have had great force if Abraham Lincoln had actually been arrested at the spot where the motor vehicles were detained in order to maintain the right of the public to have unfettered use of the highways. But as a matter of fact in spite of the presence of the police, some vehicles had to wait for 10 minutes or more at the junction of the roads near the post office until the entire procession had passed the point, and the harm, if any, caused by the inability of the constables to enforce the rights of the public had already been done. The question, therefore, narrows down to whether there was much more to be lost if the Sub-Inspector had delayed questioning and arresting Abraham Lincoln till after the meeting was over and had merely taken steps to obtain a warrant for his arrest from a Magistrate. Several instances where members of the Anamalais Plantation Workers' Union had behaved in a disorderly and high-handed manner had previously been brought to the Sub-Inspector's notice in connection with his duties and the Union had also given notice of "direct action" to the Managers a few days before and there were before him when he made the arrest some 2,000 persons belonging to that Union. The

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arrest of a leader is bound to have some kind of reaction among the followers. It may be conceded that all crowds do not resort to violence simply because one of their leaders is arrested and that such a turn was not a necessary and inevitable consequence in respect of this particular crowd also. But having regard to the antecedents of the members of the Anamalais Plantation Workers' Union, it should have been obvious that there was a fair degree of probability of this crowd becoming unruly and violent as a result of the arrest of one of its leaders. Ordinary prudence should have suggested to the Sub-Inspector the inadvisability of taking a step which involved a risk, however remote, of the crowd becoming violent; for the police force at his disposal was not sufficient to deal with such a contingency by any means short of opening fire. Nor can it be said that the offence committed by Abraham Lincoln was so serious as to call for immediate arrest irrespective of consequences. After considering all aspects of the matter, I consider that while the Sub-Inspector 's action cannot be definitely characterised as tactless, he was somewhat thoughtless and erred in his judgment when he questioned and arrested Abraham Lincoln at the particular juncture when the meeting of the Communist Union was about to commence.

20*th February* 1957. T. N. S. RAGHAVAN.

## APPENDIX II.

[Vide answer to starred question No. 442 asked by Sri A. R. Marimuthu at the meeting of the Legislative Assembly held on 28th March 1958, page 107 supra.]

*Short note on the assignment policy of the Government.*

1. Lands at the disposal of Government is granted either by assignment or by alienation. Assignment is resorted to where the grantee is either a private body, institution or a person.

2. Non-valuable lands are assigned only to landless and poor persons who are likely to engage themselves in direct cultivation. Due regard is paid to the special claims of ex-tappers thrown out of employment owing to the Prohibition policy of the Government. The maximum extent of land that may be assigned to a person shall be that which together with all the land if any owned by him makes a total extent equivalent to 5 acres of *dry* land; 2 acres of dry land being treated as equivalent to one acre of wet. The land is assigned free of cost, but the value of trees, wells, etc., is collected. Certain important conditions subject to which the assignment is made are—

(1) The land should be brought under cultivation within three years from the date of assignment.

(2) It should not be sold or alienated for a period of ten years.